

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SHAKER M. AL-KHALIDI,  
Plaintiff,**

**v.**

**Case No. 07C740**

**ROBIN KOSCHE, et al.,  
Defendants.**

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**ORDER**

The plaintiff, a state prisoner proceeding pro se, has lodged a civil rights action pursuant to 42 U.S.C. § 1983 and a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The plaintiff has not, however, filed a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint.

Pursuant to the Prison Litigation Reform Act (PLRA), which amended the in forma pauperis statute, a prisoner must pay the full filing fee of \$350.00 for a civil action. See 28 U.S.C. § 1915(b)(1). If a prisoner does not have the money to pay the filing fee, he can request leave to proceed in forma pauperis. To proceed with an action in forma pauperis, the prisoner must complete a petition and affidavit to proceed in forma pauperis and return it to the court with a certified copy of the prisoner's trust account statement showing transactions for the prior six months. 28 U.S.C. § 1915(a)(2). The court will then assess and, when funds exist, collect from the plaintiff at the time the action is filed an initial partial filing fee of 20% of the average monthly deposits to or the average monthly balance in the

prisoner's trust account for the six-month period immediately preceding the filing of the complaint, whichever is greater. 28 U.S.C. § 1915(b)(1).

After the initial fee is paid, the prisoner must make monthly payments of 20% of the preceding month's income until the \$350.00 filing fee is paid. 28 U.S.C. § 1915(b)(2). The agency which has custody of the prisoner will collect the money and send payments to the court. Id. No payment is required in months when the prisoner's preceding month's income is \$10.00 or less. Id.

In this case, the plaintiff has not filed a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of his complaint. The plaintiff will be allowed to submit the certified copy in support of the request to proceed in forma pauperis within 30 days of the date of this order. The plaintiff should also complete the enclosed "Authorization for Release of Institutional Account Information and Payment of the Filing Fee" and submit it with the certified copy of the prison trust account statement.

The PLRA also provides that, if a prisoner files more than three actions which are dismissed as frivolous or malicious or for failure to state a claim upon which relief can be granted, the prisoner will be prohibited from bringing any other actions in forma pauperis unless the prisoner is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). In the event that this action is later dismissed for any of the above reasons, it will have an impact on the plaintiff's ability to bring other actions in forma pauperis. Accordingly, plaintiff will be afforded an opportunity to voluntarily dismiss this action.

If the plaintiff wants to voluntarily dismiss this action or does not wish to file the prison trust account statement or to pay the filing fee as outlined in this order, the plaintiff must notify the court by letter to the clerk of court stating that he does not wish to

prosecute this civil action. If the plaintiff writes such a letter, this case will be dismissed without prejudice. The plaintiff must send the letter within 30 days of the date of entry of this order.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the plaintiff shall submit, within 30 days of the date of this order, a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint. The plaintiff must include his name, prisoner identification number and case number on the certified copy of his prison trust account statement.

**IT IS FURTHER ORDERED** that the plaintiff submit the "Authorization for Release of Institutional Account Information and Payment of the Filing Fee" with the certified copy of his trust account statement.

The plaintiff's failure to comply with this order will result in dismissal of this action.

Dated at Milwaukee, Wisconsin, this 20 day of November, 2007.

/s\_\_\_\_\_  
LYNN ADELMAN  
District Judge